



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145)  
CEPOA-CO-R  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** 27 November 2006

**EXPIRATION DATE:** 27 December 2006

**REFERENCE NUMBER:** POA-1965-34-AA

**WATERWAY:** Resurrection Bay 26

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alaska Railroad Corporation (ARRC), Post Office Box 107500, Anchorage, AK 99510-7500. Point of Contact: Sasha Forland, (907) 265-2357.

LOCATION: ARRC's Seward Dock Facilities; Section 3, T. 1 S., R. 1 W., Seward Meridian; latitude 60.1196° N., longitude -149.4248° W.; USGS Quadrangle Seward A-7.

WORK: Expand the width of ARRC's existing freight dock to 320 feet, install a mooring dolphin to aid in berthing barges, and trench an electrical line from the dock to the mooring dolphin. Approximately 115,000 cubic yards (CY) of fill, with about 92,000 CY below the high tide line (86,000 CY of gravel fill and 6,000 CY of riprap), would be placed to expand the footprint of the existing dock by approximately 5.3 acres.

Any fill material placed from April 1 through September 14 would not contain more than twelve percent fines passing a 200 mesh sieve or would be placed within a confining rock dike in order to limit the release of fines to the marine environment.

Pile driving with an impact hammer would not be conducted during any regular scheduled or emergency commercial fishing openings in Resurrection Bay.

Pile driving with an impact hammer would not be conducted during the period from July 15 through September 15 unless it was determined to be of minimal impact to sport fishing. Such work could proceed if approval was obtained from the Alaska Department of Natural Resources, Office of Habitat Management and Permitting.

PURPOSE: Improve the safety and efficiency of freight intermodal operations (ship-train and/or ship-truck) and the overall utility of the freight dock. Currently the dock will only accommodate small vessels and has limited flexibility for loading and unloading freight from those vessels. The improvements would accommodate larger vessels and allow safer and more efficient loading and unloading operations. The expanded dock would accommodate at least two side ramps for roll-on roll-off use during all tidal stages.

MITIGATION: Impacts associated with construction of the existing freight dock were mitigated in accordance with Special Condition 1 of DA Permit No. U-650034, Resurrection Bay 26. In-lieu-fee mitigation of \$51,994.50 was paid to Kachemak Heritage Land Trust for the protection of ten acres of estuarine intertidal fish habitat in upper Resurrection Bay (or nontidal wetlands or riparian habitat important to the rearing of anadromous fish in the lower Resurrection River drainage if intertidal habitat is not available). ARRC proposes to mitigate impacts associated with the proposed expansion of the dock in the same manner, i.e. by paying in-lieu-fee mitigation of \$28,000 for 5.3 acres (\$5,200.00 per acre).

ADDITIONAL INFORMATION: Permitting history of the project site, in reverse chronological order, is as follows:

October 28, 2005: A DA Public Notice, No. POA-1965-34-Z, was issued for a proposed permit to authorize maintenance dredging at ARRC's dock facilities (Coal, Passenger, and Freight Docks) and deepwater disposal of the dredged material. Approximately 250,000 CY of silt, sand, and gravel would be dredged over a ten year period. Issuance of a permit has been delayed by development of an acceptable testing and evaluation plan. A permit is expected to be issued shortly.

April 15, 2005: Permit Modification file POA-1965-34-Y was closed at ARRC's request. The permit, which had not been finalized, would have authorized dredging 15,000 CY from the Passenger Dock basin.

May 4, 2001: A letter of authorization was issued to allow ARRC to dredge 600 CY of material during a single 24-hour period outside the timing window specified by Special Condition No. 3 of Permit Modification X-650034.

January 23, 2001: Permit Modification X-650034, Resurrection Bay 26, was issued to authorize a steeper shoreline in the Passenger Dock basin. This involved removal and replacement of armor rock, dredging, and dredge material disposal.

November 16, 2000: Permit modification W-650034, Resurrection Bay 26, was issued to authorize the installation of an additional mooring dolphin approximately 100' south of an existing dolphin at the ARRC dock.

January 12, 2000: Permit U-650034, Resurrection Bay 26, was issued to authorize upgrades to the existing ARRC dock and construction of a new 200'x 620' cargo dock nearby. This included 143,700 CY of fill material, installation of a catwalk and dolphin at the end of the dock, and dredging 9.5 acres (220,000 CY) to -33' MLLW. The disposal site was at a previously used deepwater site located about 2,000' south of the existing dock.

November 10, 1998: Nationwide Permit #3, Maintenance, verification letter D-650034 was issued to ARRC to authorize installation of a new fender system on the east side of the dock.

March 12, 1996: Permit T-650034, Resurrection Bay 26, authorized 18,800 CY of clean fill and rip rap to renovate and extend an existing sediment control groin. An additional 10,000 CY of coarse tidal gravel was authorized to construct a groin access road.

February 9, 1995: Permit modification S-650034, Resurrection Bay 26, was issued to change Special Condition 1, pertaining to sediment sample collection and analysis.

May 18, 1994: Permit R-650034, Resurrection Bay 26, authorized dredging of 225,000 CY from the area of the "Railroad Dock" to -36 MLLW for cruise ship access. Disposal of the dredged material was in marine waters of -180 MLLW depth or greater, approximately 1500' offshore of the authorized dredge area. This permit also authorized maintenance dredging through April 30, 2004.

February 7, 1994: Nationwide Permit #3, Maintenance, verification letter D-650034 was issued to Peratrovich, Nottingham and Drage, Inc. on behalf of ARRC to conduct dock fender system repair work.

March 8, 1993: Resurrection Bay 59, N-810521 (renumbered Q-650034) modified the design of the stern-line mooring dolphin.

January 19, 1993: Resurrection Bay 59 (M-810521, renumbered P-650034) authorized construction of a five-pile galvanized steel mooring dolphin to provide stern-line connections for cruise ships.

March 9, 1983: Resurrection Bay 59 (1-810521, renumbered O-650034) authorized dredging of 200,000 CY from the west berth of the dock to provide a -45 MLLW berthing area for coal freighters. Disposal of dredged material was at a wetland site to the north of the dock.

December 24, 1975: Resurrection Bay 26 (renumbered N-650034) authorized "maintenance dredging in the east berth of existing dock area."

July 1, 1966: Resurrection Bay 29 (renumbered M-650034) authorized "Installation of six single pile dolphins."

January 28, 1966: Resurrection Bay 26 permit (renumbered 1-650034) was issued to the Alaska Railroad to authorize "Construction of a dock, fill and approach."

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program.

A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the following threatened or endangered species: Short-tailed albatross, Stellar Sea Lion, Sea Otter, and multiple whales. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The project area is within the known range of the following species: Pacific Cod, Walleye Pollock, Flathead Sole, Sculpin, Arrowtooth Flounder, Rex Sole, Steelhead Trout, Sockeye Salmon, Chinook Salmon, and Coho Salmon.

The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and

Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Don Kuhle at (907) 753-2724, toll free from within Alaska at (800) 478-2712, or by email at don.p.kuhle@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

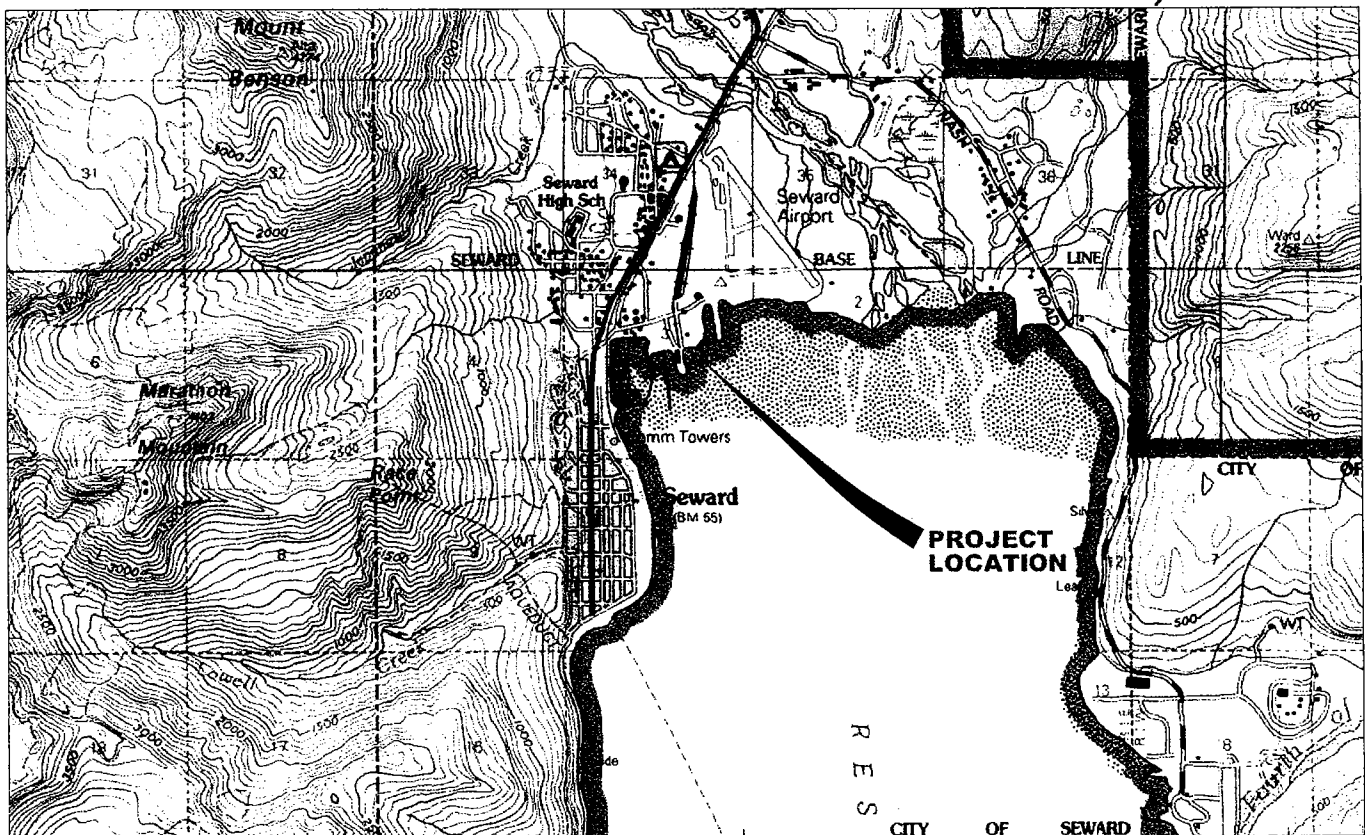
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



POA-1965-34-AA  
Resurrection Bay



PURPOSE: To expand ARRC's Seward Freight dock to improve the safety and efficiency of freight intermodal operations.

PERMIT:

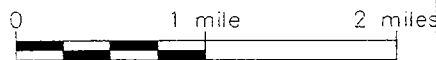
DATUM: MLLW

ADJACENT PROPERTY OWNERS:

UPLANDS: Alaska Railroad

OFFSHORE: State of Alaska

Site Plan



SCALE: 1"=1 Statute Mile

ALASKA RAILROAD CORP.  
P.O. BOX 107500  
ANCH. AK 99510-7500

Seward Freight Dock Expansion

IN: T1S, R1W, Section 3

AT: Seward, Kenai Peninsula Borough  
N60°06'20" W149°26'00"

APPLICATION BY:

T.E. BROOKS, CHIEF ENGINEER

Alaska Railroad Corp

Anchorage, AK

SHEET: 1 OF 3

DATE: 11/1/06

REV: 0

High Tide Line = +15.7 FT  
Mean High Water = +9.7 FT

Uplands. All property shown  
owned by Alaska Railroad

Existing railroad tracks

Existing gravel fill Freight Dock.  
Top elevation 20'

Existing  
passenger dock

Resurrection Bay

Extend existing 36"Ø  
culvert (pipe invert  
+3.8')

Proposed gravel  
fill with armored  
slopes.

Existing rip rap slope

Proposed toe of  
slope

Proposed top of  
slope

Existing top of  
slope

Existing toe of  
slope

Proposed  
rip rap  
slope

Proposed  
armor rock  
slope

Existing  
sediment  
control groin

Proposed  
electrical feed to  
dolphin buried in  
tide flats

Proposed  
steel pile  
mooring  
dolphin

Alaska Railroad Reserve (Property) Boundary



Resurrection Bay

POA-1965-34-AA  
Resurrection Bay

PURPOSE: To expand ARRC's Seward Freight  
dock to improve the safety and efficiency of  
freight intermodal operations.

PERMIT:

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

UPLANDS: Alaska Railroad

OFFSHORE: State of Alaska

Site Plan

0 250 ft 500 ft



SCALE: 1"=250'

ALASKA RAILROAD CORP.

P.O. BOX 107500

ANCH. AK 99510-7500

Seward Freight Dock Expansion

IN: Resurrection Bay

AT: Seward

Kenai Peninsula

APPLICATION BY:

T.E. BROOKS, CHIEF ENGINEER

Alaska Railroad Corp

Anchorage, AK

SHEET: 2 OF 3

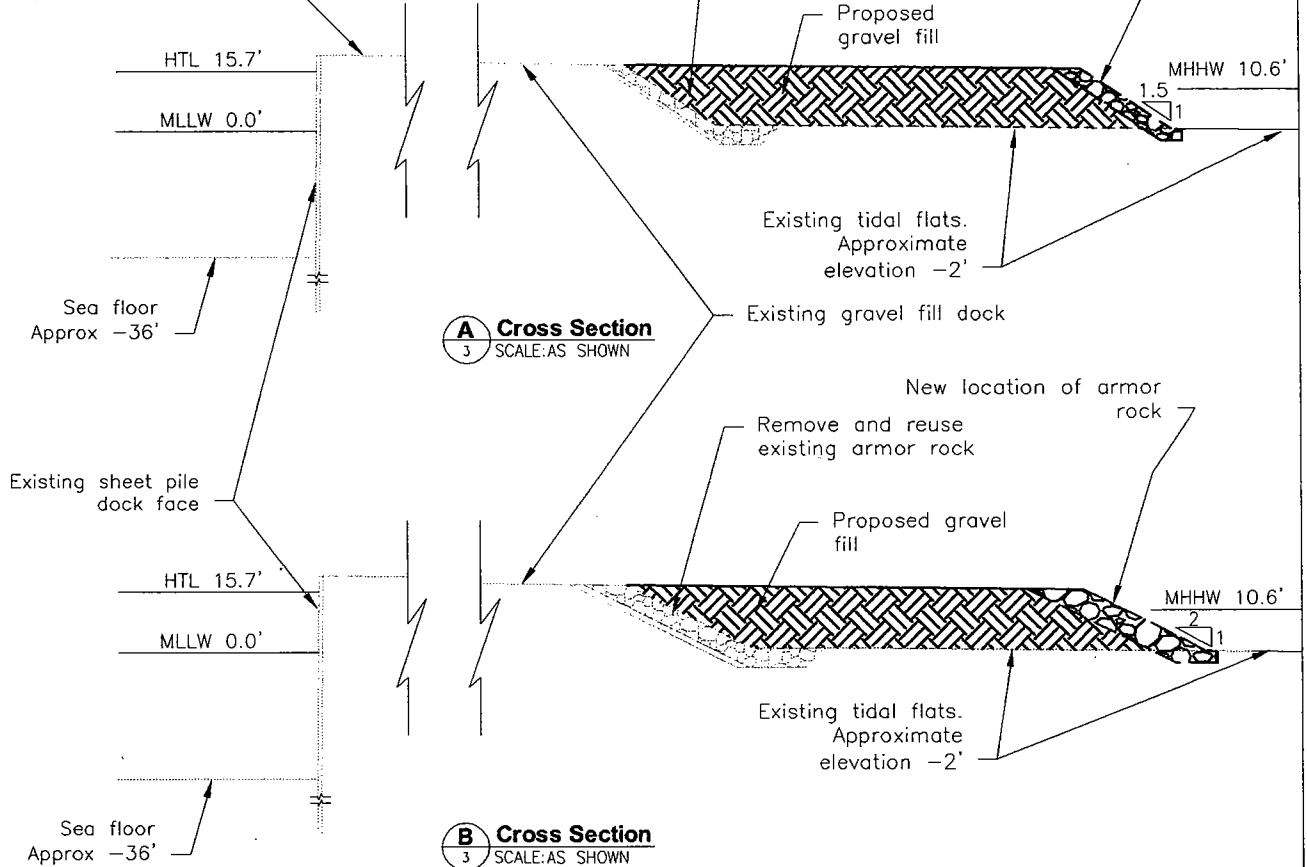
DATE: 11/1/06

REV.: 0



Maximum recorded High Tide = +15.7 FT  
Mean High Water = +9.7 FT

Top of existing dock.  
Approx elevation +20'



POA-1965-34-AA  
Resurrection Bay

PURPOSE: To expand ARRC's Seward Freight dock to improve the safety and efficiency of freight intermodal operations.

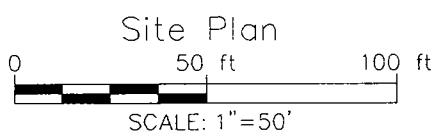
PERMIT:

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

UPLANDS: Alaska Railroad

OFFSHORE: State of Alaska



ALASKA RAILROAD CORP.  
P.O. BOX 107500  
ANCH. AK 99510-7500

Seward Freight Dock Expansion

IN: Resurrection Bay

AT: Seward

Kenai Peninsula

APPLICATION BY:

T.E. BROOKS, CHIEF ENGINEER

Alaska Railroad Corp

Anchorage, AK

SHEET: 3 OF 3 DATE: 11/1/06

REV: 0

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1965-34-AA, Resurrection Bay 26, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1965-34-AA, Resurrection Bay 26**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.